

In the Court of Appeals of the State of Alaska

Delbert Vincent Bitonti,)	
)	Court of Appeals No. A-13430
Appellant,)	
v.)	Order
)	Remand
State of Alaska,)	
)	
Appellee.)	Date of Order: May 23, 2019

Trial Court Case # 1PW-17-00170CR		

The Appellant, Delbert Bitonti, is currently represented by Leif A. Thompson, who was privately retained. Mr. Thompson has filed a motion asking this Court to appoint counsel to assist Mr. Bitonti in this appeal. Mr. Thompson asserts that Mr. Bitonti is indigent and can no longer afford the costs of privately retained counsel. Mr. Thompson also requests that this Court waive the filing fee.

IT IS ORDERED:

1. This case is remanded to the superior court for a hearing to determine if Mr. Bitonti is eligible for the assistance of counsel at public expense.
2. If the superior court finds that Mr. Bitonti is eligible for the assistance of counsel at public expense, the superior court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.
3. If the superior court concludes that Mr. Bitonti is not eligible for the appointment of counsel at public expense, the superior court shall notify this Court of this finding.

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4. The superior court's report on these matters shall be provided to this Court on or before **June 20, 2019**.

5. The motion to waive the filing fee will be lodged until this Court receives the superior court's report.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Judge Pate
Trial Court Appeals Clerk

Distribution:

Leif Thompson
Leif Thompson Law Office
306 Main St Ste 304
Ketchikan AK 99901

Tamara De Lucia
Office of Criminal Appeals
1031 W. 4th Ave, Suite 200
Anchorage AK 99501

Delbert Bitonti #414879
Ketchikan Correctional Center
1201 Schoenbar Road
Ketchikan AK 99901-6270